Doc Code: AP.PRE.REQ

FEB 17 2006

PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional) 8899-42U1

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature_____ Typed or printed name _____	Application Number 10/084,582	Filed February 25, 2002
	First Named Inventor Benjamin Slotznick	
	Art Unit 2644	Examiner Thomas Shortledge

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 35,039

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Clark Jablon
Signature

Clark A. Jablon
Typed or printed name

_215-965-1293_
Telephone number

February 15, 2006
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☒ *Total of ____1____ forms are submitted.

1. There is a clear error in the Examiner's Final Rejection of claims 16 and 48 because Kiraly does not disclose or suggest steps (a) and (b) of these claims.

The reasons for this clear error are given in Applicant's Amendment filed August 24, 2005 (mailroom date is August 26, 2005), hereafter, referred to as "the 8/26/05 Amendment."[1] See the arguments on pages 12-13 (section 2) of the 8/26/05 Amendment. To summarize, the key arguments are as follows:

i. Kiraly does not define grammatical units that are within a web page by an active region. This preamble limitation relates to the <u>formatting</u> of the web page that the user interacts with.

ii. Kiraly cannot position a pointing device over an active region of a grammatical unit as recited in step (a).

iii. Since Kiraly cannot perform either of the above-identified functions, then Kiraly inherently also cannot perform step (b).

Regarding the argument that Kiraly does not define grammatical units that are within a web page by an active region, the Examiner does not provide any reference to, or explanation of, where such a limitation or specific teaching exists in Kiraly, except to generally refer to the ability in Kiraly to highlight text using a cursor control device 112. However, Applicant is not merely claiming the well-known ability to highlight text with a mouse or the like. Claims 16 and 48 define a more sophisticated scheme wherein a user can interact with a web page that has one or more predefined grammatical units, each grammatical unit having an active region. When a pointing device is placed over the active region of the grammatical unit, the grammatical unit is automatically highlighted.

On pages 2-3 of the Final Rejection and in the formal grounds of rejection, the Examiner now highlights column 9, lines 15-18 of Kiraly, which reads as follows, as allegedly disclosing these limitations:

> Also, at step 410, the process determines which <u>part</u> of the source document to read. This part would be the highlighted part, but as a default the entire document is read if there is no highlighted part. (underlining added for emphasis)

---

[1] The Pre-Appeal guidelines request that prior submissions be referred to by paper number. However, no paper numbers are available to Applicants, nor does any other paper numbering scheme appear on the USPTO's PAIR web site.

However, this text portion merely describes what <u>part</u> of the source document to read. It says nothing about how the source document was either <u>highlighted</u> or <u>initially formatted</u>, and thus it is not a teaching of defining grammatical units that are within a web page by an active region, or a teaching of positioning a pointing device over an active region of a grammatical unit to cause such highlighting.

On pages 2-3 of the Final Rejection, the Examiner provides the following further explanation of why the above-identified text portion of Kiraly discloses step (a):

> Where it would be necessary that since a cursor control device is available to the user, the user would be able to use that device to highlight a portion of the web page that was to be read aloud, where the cursor would have to be placed over the text to highlight it.

Again, this explanation speaks only to what <u>part</u> of the source document is to read, and says nothing about how the source document was <u>initially formatted</u> and how to use that formatting to select a portion of a web page. Step (a) does not merely recite highlighting a portion of a web page. It recites "positioning a pointing device over an <u>active region of a grammatical unit</u>." The claimed highlighting occurs as a result of the placement of the pointing device being over the active region.

As explained on page 12 (section 1) of the 8/26/05 Amendment, a user may select particular sentences or paragraphs from another resident document, and then "copy" the selected sentences or paragraphs into a clipboard, wherein the clipboard becomes the source of the text-based data to be electronically read and spoken. Since it is well-known to highlight text during a "copy and paste" operation, a user could potentially highlight text when copying text into the clipboard. If all of the text in the clipboard subsequently becomes spoken, as provided for in one embodiment of Kiraly, then one could say that the user selected the text to be spoken by highlighting the text. However, the selection would not have been performed by the process recited in step (a) of claims 16 and 48, since a "copy and paste" operation does not involve positioning a pointing device over an active region of a grammatical unit on a web page.

Furthermore, the Examiner's assertion that a cursor control device would be used to identify the part of the source document to read (i.e., the highlighted part), as described on column 8, lines 9-17 and column 9, lines 15-16 of Kiraly, is complete speculation. Kiraly has no disclosure of using a cursor control device for this purpose. However, even if a cursor control device is used for this purpose, it would still not disclose or suggest step (a) in claims

16 and 48 because it would not involve positioning a pointing device over an active region of a grammatical unit on a web page.

In sum, Kiraly is a deficient reference because it lacks key limitations in claims 16 and 48, namely, web pages having one or more grammatical units, each being defined by an active region, wherein a pointing device is positioned over an active region of the grammatical unit, thereby causing the grammatical unit to be automatically highlighted and its contents loaded into a text-to-speech engine. While Kiraly and the presently claimed invention share a common function of reading web pages, they each accomplish the function in a completely different manner.

2. There is a clear error in the Examiner's Final Rejection of claims 1 and 33 because, among other reasons, Kiraly does not disclose or suggest at least step (d) of these claims.

The reasons for this clear error are given in Applicant's Amendment filed 8/26/05. See the arguments on pages 13-14 (section 3) of the 8/26/05 Amendment. To summarize, the key argument is that Kiraly does not disclose or suggest <u>reassembling</u> the original web page source code with the associated tags and event handlers to form visually displayable text-to-speech enabled web page source code. (The Examiner correctly states that Chung lacks this limitation.) Kiraly merely discloses analyzing and processing web page source code so that the text in the web page can be spoken. The fundamental differences between Kiraly and Chung, and the claimed invention can be summarized as follows:

	Input	Output
Kiraly	web page source code (e.g., HTML document)	speak the words in the text embedded within the source code, while simultaneously highlighting the text on a display screen
Chung	web page source code (HTML document)	speak the words in the HTML document
Claims 1 and 33	web page source code	visually displayable text-to-speech enabled web page source code

On pages 3-4 of the Final Rejection, the Examiner asserts that since Kiraly receives a web page and changes the <u>font</u> of the web page when displaying its associated text in a window with magnified font size, then "the source code relating to the font size of the web page would have to be changed..." The Examiner is effectively asserting that displaying or rendering a web page requires changing the web page source code if the web page is not displayed in exactly the same format than it was received, and therefore the original web page source code would have to be <u>reassembled</u>. This is technically incorrect. Converting web page source code into one or more displays does not require making any changes to the web page source code. It merely requires <u>interpreting</u> the web page source code, or relying upon pre-programmed display settings to override a default setting. Display screen parameters do not cause web page source code to be changed. Thus, regardless of whether a text document is shown in a text window of a display screen in a standard font size (which may be the font size specified in the original web page source code), or in a magnified font size, no change needs to be made to the web page source code to vary a display parameter.

Fig. 6 of Kiraly shows a user interface for changing display parameters. Fig. 6 is described on column 13, line 33 through column 14, line 20 of Kiraly. Nowhere in this explanation is there any discussion of changing the web page source code (e.g., the HTML of a document retrieved via Microsoft Internet Explorer).

In sum, the Examiner's understanding that web page source code must be modified and reassembled to display web page content in a magnified font size, which differs from its originally coded font size, is technically incorrect. While it is potentially feasible to do this, it would be inefficient and unnecessary because conventional display processors can perform this function without modifying the source code. Furthermore, there is no disclosure or suggestion in Kiraly that any such reassembling is actually performed.

The Examiner further argues that the claims do not recite that the modified format text-to-speech enabled web pages can be subsequently viewed by a browser and/or distributed over the Internet using conventional pathways and browsers. These remarks were made merely to further highlight the difference between the web page source code processing that occurs in Kiraly vs. the present invention, not to specifically argue a claim limitation. The point of these remarks is that Kiraly does not create any <u>new</u> web page source code, whereas the present invention creates new web page source code that can be distributed in the same manner as the original web page source code.

Since Chung also describes a one-way process of converting HTML code into speech, it cannot make up for the above-noted deficiencies in Kiraly.

3. There is a clear error in the Examiner's Final Rejection of the rejected dependent claims.

The rejected dependent claims are believed to be allowable because they depend upon respective allowable independent claims, and because they recite additional patentable steps.

4. None of the arguments above depend upon interpretations of prior art teachings or claim scope issues. For at least the reasons set forth above, all of the outstanding rejections should be withdrawn.

5. Request for formal consideration of references cited in Sixth Supplemental Information Disclosure Statement (IDS)

Applicant's 8/26/05 Amendment was accompanied by an IDS. However, the Final Rejection did not include an initialed copy of the PTO/SB/08A that was submitted with the IDS. Applicant requests that the Examiner formally consider the cited references and provide an initialed copy of the PTO/SB/08A with the next communication.

7546646 v2